

23 July 1999

MEMORANDUM FOR ALL EMPLOYEES

SUBJECT: Processing of Complaints Pursuant to 10 U.S.C. Section 1561 (Sexual Harassment)

1. Purpose. To disseminate this District's policy on the processing of 10 U.S. Code Section 1561 sexual harassment complaints.
2. Applicability. This Policy Letter is applicable to all District elements.
3. References.
 - a. 10 U.S.C. Section 1561.
 - b. Letter, CEMVD-EO, 3 May 1999, subject: Sexual Harassment Complaints Pursuant to 10 U.S.C. Section 1561.
4. Definitions. 10 U.S.C. Section 1561 defines sexual harassment as meaning any of the following:
 - a. Conduct (constituting a form of sex discrimination) that involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:
 - (1) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;
 - (2) Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or
 - (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creates an intimidating, hostile or offensive work environment; and
 - (4) Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive.

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b. Any use or condonation, by a person in a supervisory or command position of any form of sexual behavior to control, influence, or affect the career, pay, or job of a member of the armed forces or a civilian employee of the Department of Defense.

c. Any deliberate or repeated unwelcome verbal comment or gesture of a sexual nature in the workplace by any member of the armed forces or civilian employee of the Department of Defense.

5. 10 U.S.C. Section 1561 allows an individual to file a complaint alleging that sexual harassment has been committed by military personnel and/or civilian employees. This complaint process is separate and is in addition to the right to file a discrimination complaint alleging sexual harassment with the Equal Employment Opportunity (EEO) Office under Title VII of the Civil Rights Act of 1964 as amended and 29 Code of Federal Regulations (CFR) part 1614. The complaint should:

- a. Be in writing.
- b. Identify dates, time, location, conduct in question.
- c. Name the person(s) involved in the actions.

6. Processing.

a. To the extent practicable, within 72 hours after receipt of the complaint, point of contact shall:

(1) Forward the complaint or detailed description of the allegation to the next superior officer in the chain of command who is authorized to convene a general court-martial;

(2) Commence, or cause the commencement of, an investigation of the complaint;

(3) Advise the complainant of the commencement of the investigation.

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b. To the extent practicable, the investigation is to be completed not later than 14 days after the date on which the investigation commenced.

c. To the extent practicable, the point of contact shall:

(1) Submit a final report on the results of the investigation to the next superior officer in the chain of command who has general court-martial convening authority within 20 days after the date on which the investigation is commenced.

(2) Submit a report on the progress made in completing the investigation to the next superior officer in the chain of command who has general court-martial convening authority within 20 days after the date on which the investigation is commenced and every 14 days thereafter until the investigation is completed and, upon completion of the investigation, then submit a final report on the results of the investigation, including any action taken as a result of the investigation to the next superior officer.

7. I have designated Ms. Elizabeth Guynes, (601) 631-5276, as the primary contact person to receive sexual harassment complaints filed pursuant to 10 U.S.C. Section 1561 for employees of the Vicksburg District. Mr. Jim Miles, (601) 631-5097, is the alternate point of contact. Employees can contact the EEO Officer, Glenn O. Oliver, Sr., for additional information. The enclosed chart outlines this process (encl 1).

8. My policy letter on sexual harassment, 13 October 1998, stating that sexual harassment will not be tolerated in the Vicksburg District is reiterated.

Encl

/s/

ROBERT CREAR
Colonel, Corps of Engineers
Commanding

DISTRIBUTION:
A (CEMVK)



Ms. Elizabeth Guynes
1561 Contact Person
(601) 631-5276
Alternate
Mr. James Miles
(601) 631-5097

Vicksburg District
Procedure for Processing
10 U.S. Code Section 1561
Complaints Concerning Sexual Harassment

